

Notice of Allowability

Application No.

10/825,633

Examiner

Katherine W. Mitchell

Applicant(s)

DILLING, GARY

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/1-2007.
2. ☒ The allowed claim(s) is/are 2,4,5,11 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20070525 (this paper)
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070525.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. **Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.**

Examiner notes that applicant has clearly made every effort to define patentable subject matter, and expedite prosecution. Therefore, although normally an interview after final is not held prior to applicant receiving the action, examiner has fully considered applicant's arguments on the phone call of 5/29/2007, and accordingly, is withdrawing finality and entering the examiner's amendment and allowing the case.

2. The issue of new matter has been clearly explained, and examiner is withdrawing the objection/rejection due to new matter.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with ^{Mr. Geller 31} ~~Mr. Ziegler~~ on May 29, 2007.

The application has been amended as follows:

4. **IN THE CLAIMS:**

- Claim 11 line 2 has been amended to replace "fasterner" with --fastener--.
- Claim 11, lines 18-23 have been deleted and replaced with:

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--a driver constructed with driving surfaces shaped to engage the spirally shaped installation and removal walls of the recess; and

further wherein said interference contours of said non-driving transition surfaces of said recess cooperate to form an interference fit with non-driving surfaces of the driver.

- New claim 12 has been added:

--12. (new) A method for generating an interference fit between a driver and a fastener recess, utilizing the fastener system of claim 11, comprising inserting a driver into the fastener recess constructed according to claim 11.--

5. IN THE SPECIFICATION:

- Page 8 has a new paragraph added immediately after paragraph [0024]:

--Fig 10 is an illustration of the prior art driver used in accordance with the invention for engagement with the recess of the screw shown in Fig. 2.--

- Amendment to the Specification dated 10/2/2006 should be paragraph [004] NOT paragraph [0001]. PARAGRAPH 4 SHOULD BE REPLACED, NOT PARAGRAPH 1.

6. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Applicant to submit as a NEW DRAWING Fig 2 from USP 5,957,645, which was incorporated by reference. This Drawing should be labeled -- FIG 10 (Prior Art) -- . Examiner has amended the specification per above to describe this figure. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

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7. The following is an examiner's statement of reasons for allowance: First examiner notes that US Patent 5,957,645 was incorporated by reference in this application, and thus the driver details are not considered new matter. With this incorporation, examiner is satisfied that one of ordinary skill in the art would inherently realize the engagement details of the driver. Further, the pending application specification discloses:

[0016] It is the purpose of this invention to provide an interference fit between the driver and fastener in which the recess and driver surfaces engage along a spirally configured surface. In order to accomplish this purpose, the recess is dimensioned as close as possible to the standard spirally configured recess to accommodate currently available drivers. The lobes or wings of the recess are formed with an installation surface and a removal surface. Adjacent wings are separated at the inner radius of the lobe by a transition surface.

*[0017] To generate an interference fit, the transition surface is constructed with a slight draft of up to 2.degrees in which the distance at the bottom of the recess between opposing transition surfaces is slightly reduced. The **standard driver** (emphasis by examiner) will be insertable in a normal manner up to a predetermined depth after which the reduced dimension will cause an interference with the mating transition surfaces on the driver. This is accomplished, while minimizing any change in dimension across the upper opening of the recess. In this manner a "stick fit" feature is provided without*

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appreciably altering the desired full surface area engagement at the installation surfaces.

And thus examiner feels confident one of ordinary skill would inherently understand and know the claimed driver details.

8. Examiner notes the listing of references in the specification (Paragraph [0004]) is not considered a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

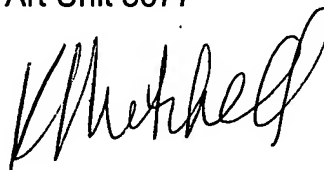
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell
Primary Examiner
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A handwritten signature in black ink, appearing to read 'K Mitchell', written in a cursive style.

Kwm
6/1/2007